

REMARKS

Applicants' representative thanks the Examiner and Supervising Examiner for the courtesies extended during the telephonic conference on April 21, 2008, with Keith Drabek. During the conference, there was discussion regarding overcoming the rejections of the subject claims under 35 U.S.C. §§ 101 and 103, as set forth in the Office Action, dated February 20, 2008. The Examiner indicated that applicants' representative's arguments combined with the proposed amendments may overcome the present rejections, but further search would be required.

Claims 1-40 are currently pending in the subject application and are presently under consideration. Claims 5, 10-11, 22, 34-35, and 38-40 have been amended as shown on pp. 2-3 and 5-7 of the Reply. No new matter has been added.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claim 40 Under 35 U.S.C. § 101

Claim 40 stands rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. In particular, the Examiner has indicated that a data packet is non-statutory subject matter because it is equivalent to claiming programming code. Independent claim 40 has been amended to cure this defect. Withdrawal of this rejection is therefore respectfully requested in light of the amendment made herein.

II. Rejection of Claims 1-9, 18-28, 34, and 38-40 Under 35 U.S.C. § 103(a)

Claims 1-9, 18-28, 34, and 38-40 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rajan *et al.* (U.S. Pub. No. 2005/0165895 A1) (hereinafter "Rajan") in view of Daniell (U.S. Pub. No. 2005/0097174 A1). To establish *prima facie* obviousness of a claimed invention, ***all the claim limitations must be taught or suggested by the prior art*** (See MPEP § 2143.03, *citing In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)). A prior art reference must be considered in its entirety, *i.e.*, as a whole, ***including portions that would lead away from the claimed invention***. (See MPEP § 2141.02, *citing W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984) (emphasis omitted)). When the ***prior art teaches away*** from combining certain known elements,

discovery of successful means of combining them is *more likely to be nonobvious* (MPEP § 2143 (citing *KSR v. Teleflex*, 550 U.S. ___, 127 S. Ct. 1727 (2007) (emphasis added))). If an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious. *Id. citing In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Applicants' representative respectfully traverses the rejection.

This rejection should be withdrawn for at least the following reasons: Rajan and Daniell, alone or in combination, do not teach or suggest each and every element of the subject claims; and Daniell teaches away from the claimed subject matter. Independent claim 1 recites *a system that mitigates viewing offensive message content comprising: a message receiving component that receives at least one incoming message for delivery to a user; a filtering component that calculates a junk score for the message; and a content blocking component that blocks at least a portion of message content from appearing in at least a preview pane when the junk score exceeds a first threshold*. Rajan discloses an apparatus and method for providing a plurality of appropriately labeled directories for containing e-mails suspected of being spam, grading the level of spaminess of the incoming e-mail, then moving or copying incoming e-mail into one or more of the directories based on the e-mail's respective level of spaminess. (See Rajan, page 2, paragraph 14). However, as Examiner concedes, Rajan does not teach *a content blocking component that blocks at least a portion of message content from appearing in at least a preview pane when the junk score exceeds a first threshold*. (See Office Action, page 3).

Daniell discloses a plurality of detection mechanisms for detecting undesired email messages and a user interface that identifies an undesired email message associated with a particular detection mechanism. (See Daniell, page 1, paragraph 5). The spam detection mechanisms of Daniell attempt to detect and filter out undesired email messages before the email messages reach a user's inbox. (See Daniell, page 3, paragraph 33). If an incoming email message is determined to contain a word or phrase that has been deemed offensive, then the email message is stored in a spam folder. (See Daniell, page 3, paragraph 39). Once a user selects a spam folder for viewing, identifications of the email messages contained in the spam folder are presented to the user. (See Daniell, page 4, paragraph 43). Further, Daniell teaches, and Examiner acknowledges, that when contents in the spam folder have been determined to be objectionable or undesired, *the feature of displaying a preview of a selected message is disabled*. (See Office Action, page 3; see Daniell, page 4, paragraph 43).

On the other hand, applicants' claimed invention allows a user to preview a message that contains offensive message content in a preview pane, but blocks at least a portion of the message in the preview pane to mitigate viewing offensive message content. (See applicants' specification, page 7, lines 12-22). In one approach, substantially all of the message content (e.g., message body content) can be blocked from view. (See applicants' specification, page 7, lines 14-15). Alternatively, at least words or phrases identified as being potentially offensive can be blocked or removed from the message in the preview pane. (See applicants' specification, page 7, lines 15-17). Thus, applicants' representative respectfully submits that contrary to assertions made in the Office Action (see Office Action, page 3), Daniell does not teach or suggest *a content blocking component that blocks at least a portion of message content from appearing in at least a preview pane when the junk score exceeds a first threshold*; rather, Daniell teaches away from the claimed subject matter by disabling the preview of messages in a spam folder when the content of the spam folder is deemed objectionable. (See Daniell, page 4, paragraph 43). Therefore, the teachings of Rajan and Daniell are not sufficient to render claim 1 *prima facie* obvious.

Independent claim 22, as amended, recites *a method that mitigates viewing offensive message content comprising: receiving at least one incoming message; computing a junk score for the at least one message; previewing the at least one incoming message in at least a preview pane; and blocking at least a portion of message content from appearing in at least the preview pane when the junk score exceeds a blocking threshold*. Examiner concedes that Rajan does not teach *blocking at least a portion of message content from appearing in at least a preview pane when the junk score exceeds a blocking threshold*. (See Office Action, page 11). Further, as discussed above, Daniell teaches fully disabling a preview of messages in a spam folder when the content of the spam folder is deemed objectionable. (See Office Action, page 11; see Daniell, page 4, paragraph 43).

On the other hand, applicants' claimed invention allows a user to preview a message that contains offensive message content in a preview pane, but blocks at least a portion of the message in the preview pane to mitigate viewing offensive message content. (See applicants' specification, page 7, lines 12-22). In one approach, substantially all of the message content (e.g., message body content) can be blocked from view. (See applicants' specification, page 7, lines 14-15). Alternatively, at least words or phrases identified as being potentially offensive can

be blocked or removed from the message in the preview pane. (See applicants' specification, page 7, lines 15-17). Thus, applicants' representative respectfully submits that contrary to assertions made in the Office Action (*see* Office Action, page 11), Daniell does not teach or suggest, and further teaches away from, the claimed subject matter reciting *previewing the at least one incoming message in at least a preview pane; and blocking at least a portion of message content from appearing in at least the preview pane when the junk score exceeds a blocking threshold*. Therefore, the teachings of Rajan and Daniell are not sufficient to render claim 22 *prima facie* obvious.

Independent claim 34, as amended, recites *a system that mitigates viewing offensive message content comprising: means for receiving at least one incoming message; means for computing a junk score for the at least one message; and means for blocking at least a portion of message content from appearing in at least a preview pane when the junk score exceeds a blocking threshold, wherein blocking the at least portion of message content from appearing in the preview pane comprises at least one of the following: hiding at least a portion of the content of the message; hiding at least a portion of a subject line of the message; hiding content in a from line of the message; blurring at least a portion of the subject line of the message; blurring content in the from line of the message; or blurring at least a portion of the content of the message*. Examiner concedes that Rajan does not teach *means for blocking at least a portion of message content from appearing in at least a preview pane when the junk score exceeds a blocking threshold*. (See Office Action, page 15).

Moreover, Daniell does not teach or suggest, and further teaches away from, the claimed subject matter reciting *means for blocking at least a portion of message content from appearing in at least a preview pane when the junk score exceeds a blocking threshold, wherein blocking the at least portion of message content from appearing in the preview pane comprises at least one of the following: hiding at least a portion of the content of the message; hiding at least a portion of a subject line of the message; hiding content in a from line of the message; blurring at least a portion of the subject line of the message; blurring content in the from line of the message; or blurring at least a portion of the content of the message*. Therefore, the teachings of Rajan and Daniell are not sufficient to render claim 34 *prima facie* obvious.

Independent claim 40, as amended, recites *A computer executable system, comprising a memory having stored therein computer executable components that transmit a data packet between two or more computer processes, wherein the data packet is transmitted to mitigate viewing offensive message content, the data packet comprising: information associated with receiving at least one incoming message; computing a junk score for the at least one message; and blocking at least a portion of message content from appearing in at least a preview pane when the junk score exceeds a blocking threshold; and wherein a processor executes the computer executable components*. Examiner concedes that Rajan does not teach *blocking at least a portion of message content from appearing in at least a preview pane when the junk score exceeds a blocking threshold*. (See Office Action, page 17). Further, applicants' representative respectfully submits that contrary to assertions made in the Office Action (see Office Action, page 17), Daniell does not teach or suggest, and further teaches away from, the claimed subject matter by disabling the preview of messages in a spam folder when the content of the spam folder is deemed objectionable. (See Daniell, page 4, paragraph 43). Therefore, the teachings of Rajan and Daniell are not sufficient to render claim 40 *prima facie* obvious.

In view of at least the forgoing, it is readily apparent that neither Rajan nor Daniell teach or suggest each and every element of the claimed subject matter as recited in independent claims 1, 22, 34, and 40 (and associated dependent claims). Accordingly, withdrawal of this rejection is respectfully requested.

III. Rejection of Claim 10 Under 35 U.S.C. § 103(a)

Claim 10 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Rajan and Daniell as applied to claim 1 above, and further in view of Dimitrova *et al.* (U.S. Pub. No. 2002/0147782 A1) (hereinafter "Dimitrova"). Without conceding the propriety of the combination of Rajan, Daniell, and Dimitrova, this rejection should be withdrawn for at least the following reason: Rajan, Daniell, and Dimitrova, alone or in combination, do not teach or suggest each and every element of the subject claims. In particular, Dimitrova does not make up for the aforementioned deficiencies of Rajan and Daniell with respect to independent claim 1. Claim 10 depends from claim 1, and is patentable over the cited art for at least the same reasons as is claim 1. Accordingly, withdrawal of this rejection is respectfully requested.

IV. **Rejection of Claim 11 Under 35 U.S.C. § 103(a)**

Claim 11 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Rajan and Daniell as applied to claim 1 above, and further in view of Adjaoute (U.S. Pub. No. 2003/0009495 A1) (hereinafter “Adjaoute”). To establish *prima facie* obviousness of a claimed invention, ***all the claim limitations must be taught or suggested by the prior art*** (See MPEP § 2143.03, citing *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)). A prior art reference must be considered in its entirety, *i.e.*, as a whole, ***including portions that would lead away from the claimed invention***. (See MPEP § 2141.02, citing *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984) (emphasis omitted)). When the *prior art teaches away* from combining certain known elements, discovery of successful means of combining them is ***more likely to be nonobvious*** (MPEP § 2143 (citing *KSR v. Teleflex*, 550 U.S. ___, 127 S. Ct. 1727 (2007) (emphasis added))). If an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious. *Id.* citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Applicants’ representative respectfully traverses the rejection.

This rejection should be withdrawn for at least the following reasons: Rajan, Daniell, and Adjaoute, alone or in combination, do not teach or suggest each and every element of the subject claims; and Adjaoute teaches away from the claimed subject matter. Dependent claim 11 recites that the content blocking component of claim 1 ***replaces blocked content with at least one of text notice, graphics notice, video notice, or audio notice, such notices warning users that potentially offensive content has been blocked from view***. Adjaoute does not make up for the aforementioned deficiencies of Rajan and Daniell with respect to independent claim 1. Claim 11 depends from claim 1, and is patentable over the cited art for at least the same reasons as is claim 1. Further, although Adjaoute discloses systems and methods for filtering electronic content according to a thesaurus-based contextual analysis of the content (see Adjaoute, pages 2-3, paragraph 22), Adjaoute requires restricting access to an entire electronic document. (See Adjaoute, page 5, paragraph 65).

On the other hand, applicants’ claimed invention allows a user to preview a message that contains offensive message content in a preview pane, but blocks at least a portion of the message in the preview pane to mitigate viewing offensive message content. (See applicants’ specification, page 7, lines 12-22). In one approach, substantially all of the message content

(e.g., message body content) can be blocked from view. (See applicants' specification, page 7, lines 14-15). Alternatively, at least words or phrases identified as being potentially offensive can be blocked or removed from the message in the preview pane. (See applicants' specification, page 7, lines 15-17).

Thus, applicants' representative respectfully submits that contrary to assertions made in the Office Action (see Office Action, page 19), Adjaoute does not teach or suggest the claimed subject matter reciting a system of claim 1 that *replaces blocked content with at least one of text notice, graphics notice, video notice, or audio notice, such notices warning users that potentially offensive content has been blocked from view*; rather, Adjaoute teaches away from the claimed subject matter by restricting access to an entire electronic document if the document contains unacceptable content. (See Adjaoute, page 5, paragraph 65). Therefore, the teachings of Rajan, Daniell, and Adjaoute are not sufficient to render claim 1 *prima facie* obvious.

In view of at least the forgoing, it is readily apparent that neither Rajan, Daniell, nor Adjaoute teach or suggest each and every element of the claimed subject matter as recited in dependent claim 11. Accordingly, withdrawal of this rejection is respectfully requested.

V. Rejection of Claims 12-17, 30-33, and 35-37 Under 35 U.S.C. § 103(a)

Claims 12-17, 30-33, and 35-37 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rajan and Daniell as applied to claims 1, 22 and 34 above, and further in view of Andrews *et al.* (U.S. Pub. No. 2003/0204569 A1) (hereinafter "Andrews"). Without conceding the propriety of the combination of Rajan, Daniell, and Andrews, this rejection should be withdrawn for at least the following reason: Rajan, Daniell, and Andrews, alone or in combination, do not teach or suggest each and every element of the subject claims. In particular, Andrews does not make up for the aforementioned deficiencies of Rajan and Daniell with respect to independent claims 1, 22, and 34. Claims 12-17 depend from claim 1, and are patentable over the cited art for at least the same reasons as is claim 1. Claims 30-33 depend from claim 22, and are patentable over the cited art for at least the same reasons as is claim 22. Claims 35-37 depend from claim 34, and are patentable over the cited art for at least the same reasons as is claim 34. Accordingly, withdrawal of this rejection is respectfully requested.

VI. Rejection of Claim 29 Under 35 U.S.C. § 103(a)

Claim 29 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Rajan and Daniell as applied to claim 22 above, and further in view of Malik *et al.* (U.S. Pub. No. 2005/0080889 A1) (hereinafter “Malik”). Without conceding the propriety of the combination of Rajan, Daniell, and Malik, this rejection should be withdrawn for at least the following reason: Rajan, Daniell, and Malik, alone or in combination, do not teach or suggest each and every element of the subject claims. In particular, Malik does not make up for the aforementioned deficiencies of Rajan and Daniell with respect to independent claim 22. Claim 29 depends from claim 22, and is patentable over the cited art for at least the same reasons as is claim 22. Accordingly, withdrawal of this rejection is respectfully requested.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP644US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

AMIN, TUROCY & CALVIN, LLP

/Himanshu S. Amin/

Himanshu S. Amin

Reg. No. 40,894

AMIN, TUROCY & CALVIN, LLP
24TH Floor, National City Center
1900 E. 9TH Street
Cleveland, Ohio 44114
Telephone (216) 696-8730
Facsimile (216) 696-8731